IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

Crl.MC.No. 285 of 2007()

CC.537/2005 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOCHI

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PETITIONER:

GEETHAMOL, W/O.LATE SUNILKUMAR,
AGED 29 YEARS, KUNNUKAD HOUSE,
ALATHUR, PALAKKAD.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 285 of 2007

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Dated this the 6th day of February, 2007

O R D E R

The petitioner, a woman, faces indictment in a prosecution under Section 138 of the N.I. Act. According to the petitioner no notice or summons was received by her from the Court. But reckoning that she is contumaciously absent, the learned Magistrate has issued a non-bailable warrant to procure her presence. She finds herself in the unenviable predicament of a non-bailable warrant chasing her. She is willing to appear before the learned Magistrate. She apprehends that her application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is in these circumstances prayed that appropriate directions may be issued to the learned Magistrate to consider her application for bail on merits, expeditiously and in accordance with law.

2. It is certainly for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which she could not earlier appear before the learned

Magistrate. I have no reason to assume that the learned Magistrate would not consider the application for bail on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued by this Court in the decision in **Alice George** v. Dy.S.P. of Police (2003 (1) KLT 339).

3. This Crl. M.C. is accordingly dismissed, but subject to the above observations/directions. I may hasten to observe that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

(R. BASANT)
Judge

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